

**Editor's note: Reconsideration denied by order dated Sept. 4, 1980**

JESSIE JIM  
GEORGIA JIM

IBLA 76-127, 76-39

Decided September 17, 1975

Appeals from decisions of Alaska State Office, Bureau of Land Management, rejecting Native allotment applications, AA 8003, AA 8004.

Affirmed, on other grounds.

1. Alaska: Native Allotments

An application for an Alaska Native allotment filed with the Department of the Interior after December 18, 1971, must be rejected.

APPEARANCES: John Bosshard, III, Esq., of Alaska Legal Services Corporation, for Ms. Jessie Jim; Ms. Georgia Jim, pro se, with aid by the Area Director, Bureau of Indian Affairs, Juneau, Alaska.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Appeals have been taken from separate decisions dated May 30 and June 18, 1975, by which the Alaska State Office, Bureau of Land Management (BLM), rejected Alaska Native allotment applications of the appellants. The applications were filed in purported compliance with the Alaska Native Allotment Act of 1906, 43 U.S.C. §§ 270-1, 270-2, 270-3 (1970). The lands applied for were withdrawn by Presidential Proclamation of August 20, 1902, and were included within the Tongass National Forest. Each appellant was born many years after the lands had been withdrawn. <sup>1/</sup> The reasons for rejection assigned by BLM have been discussed previously in decisions of this Board, Larry W. Dirks, Sr., 14 IBLA 401 (1974), and Susie Ondola, 17 IBLA 359 (1975). BLM correctly applied these decisions.

Congress, by section 18 of the Alaska Native Claims Settlement Act of December 18, 1971, (ANCSA), 43 U.S.C. § 1617 (Supp. III, 1973),

---

<sup>1/</sup> The BIA enrollment list indicates that Jessie Jim was born on August 15, 1939; and that Georgia Jim was born on January 25, 1951.

repealed the Native Allotment Act of 1906, supra, but provided that any applications then pending in the Department may be processed.

[1] Each of the applications before us indicates that it was signed, witnessed and dated on December 29, 1971, after repeal of the Native Allotment Act by ANCSA. Thereafter, each application was certified by a Bureau of Indian Affairs (BIA) realty officer and filed with BLM on May 2, 1972. The record does not show that either application was timely filed with the Department of the Interior, either in BIA or in BLM. As the applications were not before the Department on December 18, 1971, neither may be given any consideration. Each application is rejected for being untimely filed, after repeal of the statute under which it purported to come.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed for the reasons herein stated.

Douglas E. Henriques  
Administrative Judge

We concur:

Martin Ritvo  
Administrative Judge

Frederick Fishman  
Administrative Judge

